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SLAVERY IN THE ECONOMY OF COLORADO COUNTY

1822-1863

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Prairie View Agricultural and Mechanical College

Studies in History

HISTORY OF SLAVERY
IN TEXAS AND THE SOUTHWEST

Number 7

Lillie E. Atkinson

Slavery in the Economy of
Colorado County

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SLAVERY IN THE ECONOMY OF
COLORADO COUNTY 1822-1863

By

Lillie E. Atkinson

A Thesis in History Submitted in
Partial Fulfillment of the
Requirements for the Degree of

Master of Arts

In The

Graduate Division

of

Prairie View Agricultural and Mechanical College
Prairie View, Texas

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ACKNOWLEDGMENT

This writer wishes to express his appreciation and gratitude to those persons who so graciously assisted him

in the completion of this thesis. It was only by such co-operation and encouragement that a task of this nature

could be accomplished.

Date	Signature	Field Represented
8/11/54	[Redacted]	[Redacted]

Special appreciation is due the editors and staff of the Columbus Citizen; Miss Norma Shaw; Mr. Robert Tall and family; Mr. E. E. Allen, County Agent; Miss Willie Wilson; Miss Marie Watson; Lawyer Warner Starlinch, Waco, Texas; and the Reverend Robert S. Salvat, Comptroller of Public Accounts, Austin, Texas.

Especially does the writer wish to thank Dr. E. E. Woodfolk, my advisor, for his advice and untiring patience during this investigation.

To my friends and other friends who gave encouragement every day and made this work so pleasant, the writer wishes to express appreciation.

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Grateful acknowledgement is made of the assistance of Mr. E. L. Litzmann, County Clerk of Colorado County, and other officials for their co-operation and service.

Respectful appreciation is due the editors and staff of the Columbus Citizen; Miss Norma Shaw; Mr Elbert Tait and family; Mr. S. E. Chase, County Agent; Miss Hattie Wilson; Miss Maria Watson; Lawyer Werner Stavinohe, Weimar, Texas; and the Honorable Robert S. Calvert, Comptroller of Public Accounts, Austin, Texas

Especially does the writer wish to thank Dr. G. R. Woolfolk, my advisor, for his advice and untiring patience during this investigation.

To my husband and other friends who gave encouragement, do I wish to express appreciation.

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	1
1. Preface	1
2. Purpose	2
3. Scope	3
4. Method	4
5. Source	5
6. Dedication	6
7. Hypothesis	12
II. To	
1. My Husband	12
2. R. A. ATKINSON, SR.	13
3. And	
4. Organization of County	15
5. My Son	17
III. R. A. ATKINSON, JR.	17
1. Origin of Slavery	24
2. Definition of Slavery	25
3. Status of Slaves	26
4. Slave Ownership	27
5. Slavery and Learning	28
6. Transfer of Slaves	29
7. Bill of Sale	31
8. Physical and Mental Condition of Slaves	32

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION - - - - -	1
1. Problem- - - - -	1
2. Purpose- - - - -	6
3. Scope- - - - -	7
4. Method - - - - -	7
5. Source - - - - -	8
6. Definitions of Terms - - - - -	8
7. Hypothesis - - - - -	10
II. HISTORICAL BACKGROUND- - - - -	11
1. Topography and Geography - - - - -	11
2. Early History of County- - - - -	13
A. Early Settlers - - - - -	14
B. Organization of County - - - - -	15
3. A Typical Plantation - - - - -	20
III. SLAVERY AND THE LAW- - - - -	26
1. Origin of Slavery- - - - -	26
2. Definition of Slavery- - - - -	26
3. Status of Slaves - - - - -	26
4. Laws Governing Slaves- - - - -	27
A. Hiring and Loaning - - - - -	28
B. Transfer of Slaves - - - - -	30
C. Bill of Sales- - - - -	31
D. Physical and Mental Condition of Slaves- - - - -	31

5. Probate Transaction- - - - -	32
A. Wills- - - - -	32
B. Gift Deeds - - - - -	32
IV. BUSINESS AND SLAVES- - - - -	34
1. Bill of Sales- - - - -	34
2. Mortgages - - - - -	38
3. Tax Assessments - - - - -	42
4. Value of Slaves In Relation to Other Property - -	42
V. SLAVES AND SOCIAL LIFE- - - - -	45
1. Probates and Wills- - - - -	45
2. Gift Deed - - - - -	45
3. Deed of Relinquishment- - - - -	51
VI. SUMMARY AND CONCLUSION- - - - -	53
BIBLIOGRAPHY- - - - -	56
APPENDIX- - - - -	59
A. An Inventory- - - - -	59
B. Robeson's Castle- - - - -	60
C. Dr. Lawrence Augustus Washington -	61
D. How Colorado County Voted on Secession- -	63
E. The Columbus Centennial - - -	65
F. Land Grant Ceremony - - - - -	67
G. Colorado and the Texas Revolution -	68
H. Origin of Jim Crow Law in Texas- - - -	70
BIOGRAPHY - - - - -	72

ILLUSTRATIONS

Map of County

Picture of Plantation House

Picture of Old Mansion

It is necessary that we know the influences and ideas that helped or retarded the advancement. This knowledge should cover local as well as national influences. Therefore, in attempting to write this study on Negro Slavery in the History of the South and particularly in Bolivar County, this writer makes no pretense in offering a text book on this subject. An effort has been made to give the reader some of the national and local events, facts and accounts of the role that the slave played in the economy of the southern planter, that the writer has found through scientific historical research and investigation.

The Problem

The role of the Negro slave in the plantation economy of the South has not escaped varied interpretations placed upon it by scholars and even conflicting theories of a number of history and breeding planners in this field of thought. This writer shall state in the following pages some theories set forth by some of the writers of authority.

Other Theories

CHAPTER I

INTRODUCTION

History is a record of man's development and achievement. It is necessary that we know the influences and ideas that helped or retarded the advancement. This knowledge should cover local as well as national influences. Therefore, in attempting to write this study on Negro Slavery in the Economy of the South and particularly in Colorado County, this writer makes no pretense in offering a text book on this subject. An effort has been made to give the reader some of the national and local events, facts and accounts of the role that the slave played in the economy of the southern planter, that the writer has found through scientific historical research and investigation.

The Problem

The role of the Negro slave in the plantation economy of the South has had many and varied interpretations placed upon it by folklore and from conflicting theories of students of history and leading pioneers in this field of thought. This writer shall state in the following pages some theories set forth by some of the writers of authority.

Labor Theories

Philips states the following: The economic value of slavery lies wholly in making labor regular, secure, and mobile.¹

Flanders states that "Slaves were not only great capital, they were also labor. Herein lies the weak point of the whole system."²

Gray says:

From the standpoint of the employer, slavery provided a stable labor supply. Barring ordinary accidents and sickness, the laborer's services were always available, an important advantage in large scale farming. There was possibly a certain degree of economic inelasticity in the supply of labor, particularly at harvest time, where there was but little surplus labor except children, and slave labor flowed less readily than free labor to the type of employment promising greatest economic opportunity due partly to the difficulties in transferring the capital values of the slave labor.³

Wiley asserts the following, a position taken by many Southern leaders before 1861, "that Negro labor properly directed was adaptable to diversified agriculture and to a varied industrial program."⁴

In addition to the problem of self sustenance for the plantation, Bancroft says that, "There is no doubt that slave labor was forced, which was not conducive to

1. Ulrich B. Philips, American Negro Slavery, (Peter Smith, New York, 1932) p. 213

2. Ralph B. Flanders, Plantation Slavery in Georgia, (University of North Carolina Press, Chapel Hill, 1933) p. 214

3. Lewis Cecil Gray, History of Agriculture in the Southern United States to 1860, Vol. I, (Peter Smith, New York, 1941) p. 556

4. Bell I. Wiley, Southern Negro, (Yale University Press, New Haven, 1938) p. 24

efficiency. The protection of one was at the expense of the other. This slave having been bought for labor, was too expensive to be used on a dangerous job as a laborer!"⁵

Olmsted, who did not believe slavery was profitable in most sections of the South, made the following generalizations concerning Mississippi, It is quite plain, notwithstanding all the drawbacks the employment of forced labor, and notwithstanding the high price of slaves, that slave labor is employed profitably by the large planters of Mississippi, and in certain other parts of the Southern culture of cotton.⁶

Investment Theories

The writer shall next give some opinions of historians and writers on the investment theory. Frederick Bancroft contends that: Plantation owners were not hesitant to mortgage their crops to buy more slaves to make more cotton to buy more slaves.⁷

Flanders said that "slaves were great capital."⁸ Richardson says that "good slave hands could be hired out at from two hundred to two hundred seventy-five dollars for the year. Some enthusiasts contended that a good

5. Frederick Bancroft, Slave Trading in the Old South, (J. H. Furst Company, Baltimore, Maryland, 1931) p. 305

6. Frederick L. Olmsted, A Journey in the Back Country, (The Knickerbocker Press, New York, 1907) p. 50

7. Frederick Bancroft, op. cit., pp. 243-247

8. Ralph B. Flanders, op. cit., p. 213

field hand could pay for himself in a year."⁹

Thomas P. Govan raised this question: Was plantation slavery profitable? An old argument--too late for a definitive principle, because much of the evidence is destroyed; but, he states, The key to the debate is whether the planter could have done better with slaves or free labor? Was the planter making money? He finally proved his theory by making surveys of a few select plantations. He found in the census reports and plantation records that it was profitable.¹⁰

Robert Worthington Smith said: "The majority of the slave holders had not invested a great deal in slaves. Natural increase through large families made them owners of large numbers rather than through investment. From his point of view, excluding political and humanitarian consideration, he suggests that slavery was operating in the South on an economically efficient basis."¹¹

The Fixed-Capital Theory

In making this investigation, the writer chose the following statements on the fixed-capital theory, in which the writers in this field expressed their opinion. Kirkland says, "Since so much was tied up in slaves, there was

9. Narvel Rupert Richardson, Texas, The Lone Star State, (Prentice Hall, Inc., New York, 1943) p. 89

10. Thomas P. Govan, "Was Plantation Slavery Profitable?" Journal of Southern History, VIII, No. IV (November, 1942) pp. 513-535

11. Robert Worthington Smith, "Was Slavery Unprofitable in the Ante-Bellum South?" Agricultural History, XX, No. I, (January, 1946) pp. 62-64.

nothing left to invest in other enterprises. Since firms dealt in slaves as a business, purchasing agents journeyed through the country with an eye for Negroes between ten and twenty years of age. They bought slaves and moved them South."¹²

"Again the capital of a planter was stationary, large amounts were tied up in this form of property," is a statement made by Ralph Flanders.¹³

Consumptive-Productive Theory

It is the theory of some writers who have made surveys and discovered that the slave consumed much less than he produced, that perhaps gave Worthington this thesis: It was the wide difference between what the slave consumed and what he produced that made slave holding profitable before the war.¹⁴

Prestige Theory

During this study that the writer has made, it was found that many planters owned a large number of slaves. Some owned only a few, as low as two or three. Following the lead of older scholars, Kirkland says, The scale of slave holding was in some degree a measure of social rank, and men were constrained by uneconomic motives to increase

12. Edward C. Kirkland, A History of American Economic Life, (F. S. Crofts and Company, New York, 1941) p.194

13. Ralph Flanders, op. cit., pp. 213-214

14. Robert Worthington Smith, loc. cit., pp. 62-64

their train of retainers.¹⁵

Since the above statements show that there was a general confusion as to the actual role of the slave in the economy of the southern planter, this writer believes there is another theory more definitive in explaining the economic value of the slave in the southern plantation.

Purpose

The purpose of this study is to provide knowledge of the role of the slave in the plantation economy of Colorado County and to discover the extent to which the slave has permeated the social economic life of the planter.

The writer shall attempt to answer the following questions for the benefit of both the reader and the writer.

1. How was slavery introduced into Colorado County, Texas?
2. What commercial laws regulated the handling of slaves as property?
3. What was the actual value of slaves in the social and economic status of the southern planter?
4. What was the actual market value of slaves with reference to age and sex?
5. What was the role of the slave in the probate transaction in the plantation system of the South?

15. Edward C. Kirkland, op. cit., p. 176

6. What was the means of obtaining liquid capital which involved small or large sums of money, when needed?
7. How did the value of slaves compare with other property of the planter?
8. What was the assessed valuation of the slaves?

Scope

The scope of this paper will begin around 1823, when W. E. Dewees located on the Colorado River, wrote a letter to one of his friends informing him that a Land Office had been opened for the purpose of giving grants of land; and will close around 1863, during the great upheaval of the slave plantation system in the South.

The material for this paper consists of many cases gathered from the archives of the State Capitol, Austin, Texas, the county records of Colorado County, Texas, diaries, scrapbooks, and old newspapers, with corresponding dates.

Method

The method used in this paper will avoid the use of technical terms for the purpose of making the reading contents clear and understandable. Since there is a great amount of material on the subject, the writer will use the topical method for coherence, clarity, and ease in reading.

Sources

The material for this investigative paper was taken from the following sources: State Archives, Austin, Texas; Library, University of Texas; Colorado County Courthouse, History of Colorado County, by Miss Norma Shaw; Gammel's Laws of Texas; Texas Digest; Corpus Juris; Special histories; scrapbooks; and interviews with relatives of slave owners.

Definition of Terms

Appurtenance--That which belongs to something else; something incident to a chief or principal thing.

Auction--A public sale of property to the highest bidder.

Bill of Sale--A formal instrument for the conveyance or transfer of property.

Collateral--Pertaining to property, as stocks or bonds, deposited as security additional to one's personal obligation.

Curator--One who has charge or care of anything.

Deed--A sealed instrument in writing, duly executed and delivered, concerning some transfer.

de facto--Actually, in fact, in reality.

de jure--By right, by a lawful title.

Economy--The management and regulation of domestic affairs.

Gift deed--An instrument conveying a present or anything given as a present.

Headright--A land certificate entitling the head of the family, under the old law of colonization, to a league of land.

Inventory--A list or schedule of the property of a person or an estate.

Labor--of land, 177 acres.

Larceny--Theft

Liquid Capital--That capital which one has a great possibility of raising cash upon by selling it or pledging it as a security.

Mortgage--A conveyance of property upon conditions as security for payment of property.

Municipality--(at that time) A district with the powers of local self-government.

Probate--Offered as proof as the last will and testimony of a person deceased.

Promissory note--A written promise by one person to pay another on demand at some future date.

Property--That to which a person has legal title.

Relinquish--To cease to demand or claim.

Sitios--A league, about 4,428 acres.

Slave--One whose person and service are under the control of another as owner or master.

Role--The part one plays.

Will--The written instrument, legally executed, by

which a person makes disposition of his estate, to take effect after death.

Hypothesis

This writer agrees in part with the decisions of other students of the institution of slavery, that the economic importance of the slave lay in the fact that he was a source of labor and a channel of investment, which combined, tended to elevate the social prestige of the plantation capitalist. However, the writer, after a thorough investigation of the records pertaining to slavery in Colorado County, Texas, suggests that there might be an additional and far more significant economic role which other students of history may not have considered to be of any value. Therefore, the writer in formulating opinions believes that the slave was a primary source of liquid capital.

Since, during this period, such property as land and livestock were of little value, because of such a great supply of each, and because neither could be readily transferred into liquid capital, the slave being of the highest negotiable value in all forms of business transaction, became the primary source as an economic asset, in the planter's life.

CHAPTER II

THE EARLY HISTORY OF COLORADO COUNTY

This writer thinks it very befitting to give to the reader a brief history of the County of Colorado, which has had a very colorful and interesting background. This county was one of the first original settlements made by Stephen F. Austin.

Colorado County is located in the central southern part of Texas. It lies on both sides of the Colorado River with its central point about sixty miles from Matagorda Bay. The county is of rectangular shape, running in a northeasterly, southwesterly direction. The area of the county is 948 square miles.

The climate is very pleasant to live in and very suitable for the types of crops produced there. It seldom gets hotter than 100 degrees or colder than 35 degrees fahrenheit. There is usually a breeze from the Gulf, which cools the temperature in summer; and there is no freezing unless produced for a short period by a wind blast from the North.

The county has plenty of rainfall, having an average of thirty-five inches per year, the heaviest in the winter and spring. Droughts of short periods occur in the summer and fall.

Colorado County is situated in almost the exact geographic center of the Gulf Coastal Plains. The highest points are located near Frelsburg along the northeast boundary of the county, with an elevation of 415 feet. The lowest point is at the Colorado River, where it crosses the southern boundary of the county. This elevation is 125 feet.

The general slope of the land is in a southeasterly direction, and with a few general exceptions, the drainage follows this direction. The Colorado River flows through the center of the county in the same general direction. The Bernard River on the East and the Navidad and Lavaca Rivers in the Southwestern part furnish drainage.

The county is divided into three soil divisions. The most northwesterly portion is a rolling blackland. It is the best farming section of the county, and produces large quantities of corn, cotton, and small grains.

To the southeast of this strip and running easterly through the center of the county is a post oak timber belt, which is of a poor sandy or gravelly soil which was used principally for timber and livestock. To the southeast of this strip, occupying the southeast half of the county, is a sandy loam prairie.

There were no trees except along the river and creek bottoms. This land was suitable in many places for agriculture; such products like cotton, corn, and sorghum

were raised in large quantities.

Many horses and cattle were raised in this territory because of the good grazing conditions.

The first railroad built in the county was the Galveston, Harrisburg, and San Antonio. Its line was extended to Eagle Lake in 1859 and continued to Alleyton in 1860.

The chief towns were: Columbus (county seat), Prairie Point, Harvey's Creek, Borden, Altair, Nada, Gorwood, Dunlavy, Bernardo, Sandies, Cryers, Santa Anna, and Brushy.¹

After the death of Moses Austin, his son, Stephen F. Austin, who was well qualified in every respect, took up the task his father had begun and began to make plans to carry out his father's wishes.

When Austin landed his first colonists in Texas, land could be obtained merely for the asking. The problem at that time which faced Austin was to get settlers with a prospective future to claim and cultivate the free lands of Texas. A fee of twelve and one-half cents an acre was received for surveying, perfecting titles, and advertising the enterprise in the United States.²

Austin had chosen the rich lands of the Colorado and

1. L. L. Bailey, The Geographical and Natural Resources of Colorado County, (Bulletin, No. 2333, University of Texas, Austin, Texas) 1923

Texas Almanac, (Dallas) 1936, p. 399
2. Lewis W. Newton and Herbert Gamball, History of Texas, (Southwest Press, Dallas, Texas, 1932) p. 81

the Brazos River for the location of his colony. He met General Le Garcia, Commander of the Eastern Province of Monterrey. Le Garcia commanded Austin to lay out a town. A Land Office was opened in July, 1824.³

Here is a letter written by W. B. Dewees to a friend informing the friend that a Land Office had been opened for the purpose of giving grants to the three hundred settlers of Austin's Colony.

Colorado River
Coahuila and Texas
Nov. 5, 1824

To every married man was granted one league and labor of land, which contained 4,621 acres; and each single man was allowed one quarter of a league, which contained 1,111 acres of land. To every single man who received land under the Mexican Government, on marrying, was entitled to an augmentation of his claim, to a league and a labor.⁴

As early as 1822, a few single men, Buckner, Powell, and Jessie Burnham, settled near Colorado River. Kendall, Philip, Demitt, Robert King, and others settled in other places in the colony. James Cummins conducted the newcomers into the interior, some to his camp and some to Atascosita crossing of the Colorado River, a few miles below where the town of Columbus now stands.⁵

3. Homer S. Thrall, A Pictorial History of Texas, N. D. Thompson and Company, St. Louis, Mo., 1879) p. 57

4. Homer Yoakum, History of Texas, Vol. I, (Redfield, New York, 1856) pp. 33-43

5. John Henry Brown, History of Texas, 1685-1892, Vol I, (J. B. Lippincott and Company, Philadelphia, 1885) p. 95

In the fall of 1822, Baron de Bastrop created one military district including all the settlements on the Colorado. By December, 1823, settlement was so extended that Austin thought it desirable to sub-divide the Colorado district. He ordered an election to choose a lieutenant for the lower district of the Colorado, east of Eagle Lake. The district was to be independent in local matters, but subject to the captain of the upper district in other affairs. James Ross was appointed to succeed Captain Robert Kuykendall, as Kuykendall was planning to leave the Colorado.⁶

The colonists settled under the terms of Austin's first contract became known as "The Old Three Hundred," because the contract was for the introduction of three hundred families. The actual number of families was 297, nine received two titles each.⁷

The table given below was taken from the General Land Office at Austin, Texas as recorded from the thesis of Miss Norma Shaw's History of Colorado County.⁸

6. Eugene C. Barker, Life of Stephen F. Austin, Founder of Texas, 1793-1836, (Cokesbury Press, Dallas, Texas, 1926) p. 98

7. L. J. Wortham, A History of Texas from Wilderness to Commonwealth, (Wortham-Molyneaux, Ft. Worth, Texas, 1924) p. 307

8. Norma Shaw, Early History of Colorado County, MSS Thesis, San Marcos Teachers' College, 1939

Name	Sitios	Labor	Date of Titles
Alley, Rawson	1 $\frac{1}{2}$	-	August 3, 1824
Andrews, John	1	-	July 7, 1824
Beason, Benjamin	1	-	August 7, 1824
Burnham, Jessie	-	1	August 16, 1824
Cartwright, Thomas	1	-	August 10, 1824
Cook, James	1	-	August 3, 1824
Cummins, James	1	1	July 7, 1824
Duty, Joseph	1	-	July 19, 1824
Dyer, Clement C.	1	-	August 10, 1824
Flowers, Elisha	-	1	July 19, 1824
Gilbert, Preston	1	-	June 4, 1827
Gray, Thompson	-	1	August 16, 1824
Haddan, John	1	-	July 29, 1824
McClain, A. W.	1	-	July 24, 1824
Nelson, James	1	-	August 7, 1824
Pettus, Freeman	1	1	August 3, 1824
Ross, James	1	-	July 17, 1824
Snider, Gilbert	1	-	August 7, 1824
Tumlinson, Elizabeth	1	1	August 16, 1824
Tumlinson, James	1	1	August 19, 1824

On the map of Colorado County, found elsewhere in this thesis, the reader will see a number of the grants as were given in the table above. The town of Alleyton is located on the grant of land made to Rawson Alley, 1824. This small town was named for the Alley family.

As settlers were constantly coming in and locating along the Colorado River, a petition was made during the summer of 1836 to the Ayuntamiento (municipal council) to divide the county. The petition was granted and the boundary described as follows: Beginning at the crossing of the lower line of the municipality of Austin, on the main Bernard, thence westerly on the line of Austin to the line of DeWitt's Colony, thence, northwesterly on the line of said colony to Buckner's Creek, thence down said creek to the La Bahia Road, thence easterly to the said road to

COPY

Cumming's Creek, thence between Mill Creek on the said Middle Ground to the main fork of San Bernard Creek, thence down to the said creek to the beginning, shall be, and the same is thereby made a new and separate municipality with all and singular rights, privileges, and immunities of other municipalities of Texas to be styled and known as the Municipality of Colorado.⁹

The Municipality of Colorado was a part of Austin's first colony. The Provisional Texas Government, in January, 1836, established the Municipality under the Republic; the Municipality became the county, but portions of its original territory were afterward used in the creation of Fayette, Lavaca, and other adjoining counties,¹⁰ which will be shown in the statement to follow.

Counties carved from the Municipality of Colorado were as follows: Colorado County was created March 17, 1836, organized, 1837, contained 948 square miles, county seat, Columbus; Wharton County created April 13, 1846, organized July 13, 1846, with an area of 1137 square miles, county seat, Wharton; Lee, Lavaca, and Fayette Counties were also created from Colorado Municipality.¹¹

9. H.P.N. Gammel, The Laws of Texas, (The Gammel Book Company, Austin, Texas, 1898) pp. 130-131

10. Francis White Johnson, A History of Texas and Texans, edited and brought up to date by Eugene C. Barker and E. W. Winkler (The American Historical Society, New York, 1914) Vol. II, pp. 659-660

11. Z. T. Fullmore, History and Geography of Texas As Told in County Names, (S. R. Fullmore Publishing House, Austin, Texas) pp. 271-273

Colorado County, one of the original counties, was named for the river on which it now stands. This word means, "Red Water;" when the name was first applied is not definitely known, but the Indians were the first to call it "Red Water."¹²

In 1845, there were about 800 slaves brought into the county,¹³ so court action was taken to see that various beats or precincts of the county were adequately patrolled to regulate the conduct of the slaves. The chief duties of the patrolmen were to see that no Negro slave was away from his master. The patrolman, called "Potroller" by the Negroes, was a source of terror to the slave. And well it might be, for it was ordered that if any Negro was caught from his home without a pass from his master or some person authorized to give such pass, he would receive thirty-nine lashes on his back. The choice of punishment was left to the judgment of the captain.¹⁴

The sale of Negroes was a common occurrence in those days. Here is a notice published in the weekly paper:

Sale of Negroes

Will be sold to the highest bidder on the

12. Ibid., p. 273

13. Eight Census, (Population of the United States, 1860,) p. 479

14. The Colorado Citizen, (Columbus, Texas) October 19, 1933

4th day of July next, on four months credit, one Negro woman, age 28 years, black color, good cook and washer; also two Negro children, girls, age 5 and 2 years. Sale at two o'clock at the Court-house in Columbus. Purchasers required to give drafts on good commercial houses, to be paid four months after date.¹⁵

Columbus, June 16, 1860

The following is an advertisement as recorded in the Columbus Times:

Edward Reardon
Negro and Real Estate Broker
Congress Street, Houston, Texas
Gives his personal attention to the sale and purchase of Negro and Real Estate. Having a large acquaintance in the interior of Texas, he invites the patronage of the public. Refers to Henry Sampson and Company; Van Istyne and Taylor, and T. W. House and Co.

There will be a sale of Negroes every Saturday and Wednesday at 12 o'clock.¹⁶

Negroes sold for an average of \$1000 each on a credit of twelve months.¹⁷

In this same weekly paper there is a notice pertaining to a run-away slave.

Notice

Ran away from the undersigned, a Negro boy about 45 years of age, small in statue, black skin, and named Jim. I will pay a reward of \$20 to any person who will deliver him to me at Columbus.

H. Robson
Columbus, Texas, October, 1859

Thus, we see from the above a true picture of the slave situation as it existed in Colorado County during

15. Georgia Dallas, Scrapbook, Columbus, Texas, Cited by Norma Shaw, *op. cit.*

16. Columbus Times, April 14, 1860

17. Ibid.

the development of the county. Slaves were involved in the first economic transaction that was recorded in the county, the Headright system. Under this system, each slave brought eighty acres of land to his master.¹⁸

Plantation life developed from a set pattern in the plantation system. The planter in the system was the one who took the initiative to procure land, labor, and capital. He received the profits or suffered the losses. Under the planter came the overseer who directed the slave labor; then came the drivers, trusty slaves who acted as assistants to the overseer, especially on large plantations. Finally, at the bottom of the pyramidal organization were the slaves themselves, who, as time went on were divided into different classes--field hands, blacksmiths, carpenters, house servants, plantation cooks, and so on.¹⁹

The writer shall describe a typical plantation in Colorado County.

On a plantation located about nine or ten miles from Columbus and on the Colorado River, there still remains a log plantation house built in 1840 by Negro slaves owned by a Dr. Tait.

18. Clarence R. Wharton, The Republic of Texas, (C. C. Young Printing Company, Houston, Texas, 1922) p.16
 19. John T. Rodgers, (History and General Research Section, Library of Congress, Washington, D. C., Feb. 25, 1953)

The famous old log farm house was built from square oak logs that were floated down the river and hauled across the field by oxen. The bricks for the chimneys were made from clay on the ranch, and the kiln in which the lime was burned still remains.

The kitchen was built away from the house proper with a large fireplace on which the food was cooked. The food was then brought into the house on huge platters and served to the overseer, A Mr. Magett, at that time.

In 1850, there were seven Negro men, six Negro women, and fourteen children on the plantation. They were valued at \$10,800.

In 1865, there were 68 Negroes, 12 mules, 52 oxen, and 150 head of hogs. There was one carriage, sometimes called a barouche or ambulance.

Corn, cotton, and hogs were raised, and in season, syrup was made. This plantation at this time covered 7000 acres of land.

Dr. Tait, a surveyor at that time, was a just and well liked master; and after the Civil War, very few of his slaves left their master. This was probably due to the treatment of them by Dr. Tait as evidenced by these general rules he followed:

1. Never punish a Negro when in a passion. No one is capable of properly regulating the punishment for an offense if he is angry.



This (1)

THE TAIT PLANTATION HOUSE

·DEPARTMENT OF THE INTERIOR·

·WASHINGTON · D · C ·

·THIS IS TO CERTIFY THAT THE·

·HISTORIC · BUILDING·

·KNOWN AS·

·THE TAIT PLANTATION HOUSE ·

·IN THE COUNTY OF·

·COLORADO ·

·AND THE STATE OF·

·TEXAS ·

·HAS BEEN SELECTED BY THE ·

·ADVISORY COMMITTEE OF THE ·

·HISTORIC AMERICAN ·

·BUILDINGS SURVEY ·

·AS POSSESSING EXCEPTIONAL ·

·HISTORIC OR ARCHITECTURAL ·

·INTEREST AND AS BEING WORTHY ·

·OF MOST CAREFUL PRESERVATION ·

·FOR THE BENEFIT OF FUTURE ·

·GENERATIONS AND THAT TO THIS ·

·END A RECORD OF ITS PRESENT ·

·APPEARANCE AND CONDITION ·

·HAS BEEN MADE AND DEPOSITED ·

·FOR PERMANENT REFERENCE IN THE ·

·LIBRARY OF CONGRESS ·

·ATTEST ·

·District Officer ·



Harold G. Fisher

·Secretary of the Interior ·

2. Never require of a Negro what is unreasonable, but when you give an order be sure to enforce it with _____, yet mildly.

3. In giving orders, always do it in a mild tone.

4. When you are compelled to give punishment, be sure to let him know for what offense he is being punished.

5. In giving an order, be sure that you are understood, and let him know that he can always ask for an explanation if he does not understand you.

6. Have all matters on a system; a systematic plan of operation reduces friction and is easy government.

7. Do not try to make them do too much at one time; to overwork means to injure your hands. The journey of life is a long one, and at its best, a tedious one. To make the journey a long and safe trip, one must travel at a moderate stage. Do not kill the goose to obtain the golden egg.²⁰

The C. W. Tait Home is still sturdy after standing since 1856. The stately old plantation style home, with the four huge brick chimneys, and eight fireplaces, four upstairs and four downstairs; cellar, attic, four bedrooms upstairs, two bedrooms downstairs, two halls, a spacious living room, dining room, and an airy kitchen, is known to many as "the old Tait home." It is one of the

20. Dr. C. W. Tait Memoirs (Now in the possession of Mr. Elbert Tait, Columbus, Texas)

oldest houses in Columbus, yet seems as sturdy as the oak trees surrounding it. The house has been in continuous use by the Tait family.

The house was built by slaves. The lumber was made at the saw mill by slaves.

In the house there are still many of the original furnishings, some of which are over 100 years old. In one of the bedrooms is the original master bed, a large old fashioned four poster bed. In the dining room is the same old walnut sideboard used in pre-Civil War days, and also an old secretary made of walnut, sawed at the saw mill on the farm. There are some old knives, a pistol, a powder horn, and a pair of field glasses used by Dr. Tait. There are some old ledgers kept of the farm and a hand written tax statement for 1851 which showed Dr. Tait owned 34 slaves valued at \$500 each.

This is a picture of the Tait home as it now stands.²¹

Religion and Education

The development of religion and education was very slow in Colorado County. In Austin's colony, before Colorado County was organized, protestant religion was not permitted by Austin. This order was to conform with the Mexican decree which fostered Catholic religion. If

21. Personal interview with Mr. Elbert Tait and family, Son of Mrs. William Tait, Columbus, Texas, June 19, 1954



THE TAIT MANSION

services of any kind were held, it was of the "family circle" type, where there were reading, prayers, and singing, but this was held secretly and among neighbors.

Henry Stephenson, a Methodist preacher, was the first Protestant in Austin's colony. He traveled down as far as Cummins Creek, preaching in the homes of James Cummings and Nathaniel Moore on the Colorado, and Samuel Carter near Columbus. The Moore family moved to the Colorado River in 1824. The Indians drove them away, but they soon returned. In 1837 the Robbs and Moores were all still preaching along the Colorado.²²

Up to 1837, Baptist prayer meetings were organized in the colony and members called themselves "Primitive Baptists." A Mr. Morrell finally reached Columbus and preached. He had a fair number of followers.²³

In a letter preserved by one of Austin's colonists this excerpt was found: Bibles could not be found in the settlement. The Sabbath was generally spent in visiting, driving stock, and breaking mustangs.²⁴

The development of education like that of religion, made very slow progress in Colorado County. This was probably due to the unsettled condition of the county as

22. Norma Shaw, op. cit.

23. Z. M. Morrell, Fruits and Flowers From the Wilderness, (Gould and Lincoln, Boston, 1873) pp. 73-74

24. W. B. Dewees, Letters, The Colorado Citizen, June 9, 1922

well as the distance between the settlers' homes.

One of the first schools on record in Austin's Colony was in 1835. It was taught by an Irishman named Cohill. Schools were located as much as five miles from some homes, and there were no traveled roads. Many times father or mother went with the children, carrying a hatchet to blaze the way.²⁵

The school building was usually one large room, with a fireplace. The desks were in long rows, and the boys and girls were separated.²⁶

Teachers in those days relied almost entirely upon the rod or hickory sticks. These sticks were placed in full view, and ranged in size from the small to very large--according to the size of the children.²⁷

As the settlements grew in population and the colonists began to recover from the effects of the Texas Revolution, education began to develop and more schools were organized.

25. Norma Shaw, op. cit.

26. Ibid.

27. Ibid.

CHAPTER III

SLAVERY AND THE LAW

In this chapter the writer will acquaint the reader with the legal origin of slavery and some legal principles that developed as the institution expanded. The information revealed here does not include all of the laws on the subject, but it contains legal documentary evidence upon which the institution existed for survival.

African slavery existed in the territory that is now Texas before the Independence was declared and the Constitution of the Republic was adopted, and it continued as a social institution down to the time of the adoption of the Thirteenth Amendment of 1865. The early reports contain, as might be expected, numerous cases dealing with many phases of the law as applied to slaves, but no useful purpose would be served at this late day by summarizing the decisions. In so far as any of these cases are still useful as authorities, elucidating the principles applicable to chattel property, they are noticed in proper articles.¹

Slavery is defined as "the state of entire subjection of one person to the will of another." The term implies

1. William M. McKinney, et. al. Texas Jurisprudence, Vol. XXXVIII, (Bancroft Whitney Company, San Francisco, 1935) p. 591

the relation of two persons in the character of master and slave, the former being defined as one who has another or others under his immediate control, a lord paramount or employer of slaves, and the latter as a person who is the chattel or property of another and who is wholly subject to his will, a bond servant, a serf.²

Our American law of African slavery was a system of customary law: that is, of rules and principles applicable to the institution at first introduced and observed, by the people in their practical dealing with the subject, and subsequently recognized by the courts as the grounds of judicial decision. Very few of these principles were the result of written law, but had been developed from time to time by the actual working of the system in several slave states, and successively adopted by the courts as they had been found by experience to be proper and effective in making the institution answer the purpose for which it existed.³ It was held that slavery could legally exist without any positive law authorizing it, and its very existence in fact being presumptive evidence of its legality.⁴

Slaves born in the State of Coahuila and Texas before

2. William Mack and Donald J. Kiser, Corpus Juris, Section 1-2, Vol. LVIII, (The American Law Book Company, New York, 1932) pp. 745-768

3. Douglas v. Ritchie, Mo. 177

4. Charlotte v. Chauteau, 25, Mo. 465

the promulgation of the Constitution or introduced into the state after that time could be held in slavery⁵ and under Texas Constitution, Section 9, providing that all persons who were slaves before their emigration to Texas, and who "are now held in bondage, shall remain in the like state of servitude," that relation where it existed de facto at the time of the adoption of the Constitution was recognized and continued,⁶ and the Negroes in this state were prima facie slaves, and where held as such they were slaves de facto whether so de jure or not,⁷ but in Texas none but Africans could legally be slaves.⁸

The economic value of a slave was of such nature that slaves could be loaned out or pledged as a security for a debt, and like manner as other chattels, and the hiring might similarly be rescinded or terminated.

The borrower or hirer was responsible for loss or conversion of the slave or for wrongfully chastising or injury or killing or causing the death of the slave; and the hirer was responsible for the hire of the slave and for the breach of his contract of hiring, in like manner as in any case hiring chattels.⁹ If the slave was lost to the master because of wrongful acts of the hirer, the

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5. Clapp v. Walters, 2, Texas 130
 6. Guess v. Lubbock, 5, Texas, 535
 7. Bulware v. Hendricks, 23, Texas, 667
 8. Gaines v. Ann, 17, Texas, 211
 9. Corpus Juris, Volume LVIII

hirer pays for the value of the slave,¹⁰ or should a slave get shot while making off and does not stop when ordered, the overseer must pay any injury.¹¹ But if a slave is killed by an overseer, the overseer is subject to the Penal Code as is and before adopted.¹² Should a slave be injured unintentionally on the job, the owner must be compensated to the extent of the injury.¹³

The hirer must give his slave the same humane treatment as his master and return him in good condition, unless his condition had become deteriorated without the default of the hirer;¹⁴ and the hirer is responsible for medical attention, and not the owner, unless the physician was employed by him.¹⁵

When a slave is hired for a year and before the expiration of the time, dies without any default or neglect of the hirer, the latter is entitled to an abatement of the hire corresponding to the unexpired term.¹⁶

The owner of a slave unlawfully detained is entitled to recover, not only his value but also damages equal to the value of his services from the time of the demand up

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- 10. Hedgespeth v. Robertson, 18, Texas, 8, 111
 - 11. Brady v. Price, 19, Texas, 190
Jones v. Fort, 36, Alabama, 499
Kelley v. Wallace, 6, Florida, 690
 - 12. Callihan v. Johnson, 22, Texas, 596
 - 13. Phillip v. Wheeler, 110, Texas, 536
Harvey v. Skipworth, 16, Gratt Va., 57, 393
 - 14. Mims v. Mitchell, 1, Texas, 243
 - 15. McGee v. Currie, 4, Texas, 217
 - 16. Townshend v. Hill, 18, Texas, 422

to the time of trial.¹⁷ The owner may not receive compensation for loss of services of a slave when proof is remote or speculative.¹⁸ The harboring and concealing of a slave was considered for all purposes of law as larceny.¹⁹

Slaves could be transferred by will or gift, which under some statutes were sufficient if by parol accompanied with delivery, but which might be, and in some instances must be in writing, and recorded, or accompanied with actual delivery. Slaves could also be mortgaged and could be sold under some statutes by sale and delivery without deed or writing, while under others a deed or writing was necessary which must be recorded to have effect against third persons, but not as between third parties, and the general rule governing warranties, latent defects and recession of sales applied.²⁰

Not the least extensive operation connected with transactions in slave property was selling this species of property. Many of the aspects of the "sale" seem not to have been subjects of judicial elaboration or statutory law. Nevertheless, the constant formulae that appear in the instruments makes it clear that such things as the defense of the title, "slaves for life," and the description of the property were necessary parts of customary

Dec. 124. 17. Pridgin v. Strickland, 8, Texas, 427, 58, A.M.

18. Hope v. Alley, 9, Texas, 394

19. Martin v. State, 16, Texas, 240

20. Corpus Juris, Volume LVIII, 746

law in these matters. It is not strange that the custom of warranty did receive so much attention at law, because the soundness of this valuable species of property was the very heart of the business life of the plantation economy.

A bill of sale was not necessary to pass the title to a slave,²¹ and was not necessary in order to vest the title to a slave in the purchaser, though the seller agreed to give one.²²

It was also held that it was error to instruct the jury that a bill of sale was necessary to pass title to Negro, or that plaintiff should show title and right to convey Negro.²³

In all bill of sales dealing with slaves, there is a stipulation, "soundness of body and mind." According to law this meant that recognized weaknesses at time of sale by the purchaser could not be used later to prove unsoundness.²⁴ If a slave was sold and his unsoundness resulted in death, the buyer had to be repaid the sale price and the value of his services;²⁵ and if the slave had some permanent disease at the time of the sale, which, would reduce his value, such disease would make him unsound for

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- 21. Davis v. Loftin, 6, Texas, 489
 - 22. McKinney v. Forte, 10, Texas, 220
 - 23. Castleman v. Sherry, 42, Texas, 59
 - 24. Nation v. Jones, 20, Texas, 300
 - 25. Scranton v. Tilley, Texas, 16

commercial purposes.²⁶ Death resulting from easily controllable causes could not be considered a proof of unsoundness.²⁷

In probate transactions where slaves were involved, there were certain legal conditions that were written in the instruments to protect the donor and the donee. Whether these terms were legal or grew out of a common custom, the writer cannot substantiate. Just as the slave served as an economic factor in the plantation life, so he, the planter, when providing for his heirs, gave that specie of property that was most valuable and stable, which was a slave or slaves; but "the gift was void as between the donor and the donee unless in writing or accompanied by actual possession."²⁸

Though widely used as a necessary instrument in the plantation economy of Colorado County, Texas, the mortgage seemed to have produced less cause for judicial elaboration than any other in the total pattern of American jurisprudence dealing with slavery. However, there was a ruling that arose out of the following situation: Plaintiff sold a piece of land to defendants intestate, taking a mortgage on two slaves to secure payment, but the slaves were emancipated before the debt was paid. It was held

26. Wade v. Dewitt, 20, Texas, 398

27. Wade v. Dewitt, 20, Texas, 398

28. Jones Adm'r. v. Thurmond Heirs, Texas
Patterson v. Franklin, 34, Va.

that, as the mortgage of the slave did not pass the property to them, their loss of property fell on defendant's intestate.²⁹

This account of some of the Texas Laws dealing with slavery has been presented for information and guidance, as well as to give to the reader the important role the slave played in the economy of the southern planter, to the extent that laws were enacted for the benefit of the buyer and the seller.

29. Brighton v. Word, 37, Texas, 310

The writer made a study of many wills of slaves, but not being able to use them all, a few were chosen from the records to determine the facts from several viewpoints as stated in the purpose of the paper. The writer shall investigate the value of the slaves as to sex and age.

Shapiro stated that when sold for three-fourths the price of sex of corresponding age.¹ The records were checked for a few years for the purpose of ascertaining the value from an objective point of view. This writer does not contend that these facts would apply to the whole

1. Phyllis Barker Shapiro, The Slave and the Law (Alfred A. Knopf, New York, 1961), p. 13

CHAPTER IV

BUSINESS AND SLAVES

In following up the writer's thesis--that the slave played the most important role in the economy of the planter, this writer has made a detailed investigation of the county records and find therein a wealth of business transactions, in which the slave was involved in numerous and more varied ways for financial purposes. The bill of sales was an instrument used frequently; these were of various types and several factors were involved. It protected the human merchandise or slave from confiscation by the statement of certain provisions in the instrument.

The writer made a study of many bills of sales, but not being able to use each one, a few were chosen from the records to determine the facts from several viewpoints as stated in the purpose of the paper. The writer shall investigate the value of the slaves as to sex and age.

Simpkins states that women sold for three-fourths the price of men of corresponding ages.¹ The records were checked for a few cases for the purpose of examining the thesis from an objective point of view. This writer does not contend that these cases would apply to the whole

1. Francis Butler Simpkins, The South Old and New, (Alfred A. Knoff, New York, 1949) p. 43

of the southern plantation area, but they do represent Colorado County. The value varies. In some instances females and males value about the same. In some cases color often changes the value. At the age of 19, a mulatto female sold for \$650, and a mulatto male for \$650, while in other instances a female of 19 sold for \$600 and a male, same age, for \$600.⁴ At the age of 20 years, a female sold for \$800,⁵ while a male, 20 years, sold for \$600.⁶ At the age of 30, a female and male each sold for \$600.⁷ The above cases and other cases studied find the theory of Simpkins⁸ quite controversial as to the commercial value of male and female as applied to Colorado County.

The male seemed to predominate over the female and the predominant age for sale was between the ages of 19 and 35 years for both sexes. The oldest male in the bill of sales was 50 years⁹ and the oldest female was 40 years.¹⁰

The writer has found in the records a tendency on the part of the owners to keep mother and children or father and children together, even in outright sale, mortgage or

4. Deed Record, Colorado County Courthouse, Columbus, Texas, Vol. C, p. 292

5. Ibid. p. 321

6. Ibid. p. 143

7. Ibid. p. 127

8. Francis Butler Simpkins, op. cit. p. 43

9. Deed Record, Vol. C, p. 132

10. Ibid. p. 292

other transactions, where the parting of slaves were necessary. Whether this was a practice according to an established law or custom or just a humanitarian spirit that existed among the planters is not known. This writer shall cite a few cases that will illustrate the statement above. There is listed a Negro woman named Caroline, age 20 and her child Myrah, age 4, sold to Isam Tooke by Abraham Alley.¹¹ One Eveline, age 30, and her children, Burton, Wash, and Gertrude, sold to Jane Thatcher, by C. C. Herbert.¹² A man named Thomas, age 35, and two children, Caroline, 17, and William, 10;¹⁴ and Denmore, age 35 and son, William, age 3.¹⁵

The writer has found in the files that some slaves were bought by independent individuals, some in large groups, some on installment plans, but the greatest number were bought in small groups as has been afore stated. In 1848, a Mrs. Thatcher bought from C. C. Herbert, of the second part, 35 slaves for \$16,000, to be paid in two \$8000 notes.¹⁶ C. C. Herbert bought from Henry Hill of New Orleans, 30 slaves and all increase, for \$14000 cash.¹⁷ These large sales were made in New Orleans and recorded in

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- 11. Deed Record, Volume C. p. 127
 - 12. Ibid.
 - 13. Ibid.
 - 14. Ibid.
 - 15. Ibid.
 - 16. Deed Record, Volume C. p. 292
 - 17. Ibid. p. 292

the county. The sales made in the county involved smaller numbers of slaves. A typical large sale of slaves for the county as checked by the writer, consisted of 2 males, ages 5 and 12 and 2 females, 8 and 10 respectively, for \$1000.00.

In any case, after the legal certification, the slaves were placed in the records and in cases of installments or notes, the contract would be carried out as recorded. In all instances, there were witnesses and the County Clerk, or the County Clerk alone would use a scroll for a seal. An example of this is the case of Martin D. Ramsey, who was paid \$600.00, cash in hand, by Isam Tooke, for a Negro boy, May 21, 1845. The bill of sale was attested by G. W. Gardner, County Clerk, Colorado County.¹⁸

W. B. Dewees received \$1000.00, paid cash in hand, for four Negro slaves, April 2, 1847, witness: W. A. Shepherd and Basil G. Izams, attest: April 2, 1847, G. W. Gardner, County Clerk.¹⁹ John T. Toliver was the buyer.

The writer stated in Chapter III certain legal terms of condition found in various instruments which binds the seller to guarantee his slave to the purchaser from fraudulent loss. Such terms as "sound in body and mind," a slave for life," and "her and her increase," were common. Examples of the above statements are found in the senten-

18. *Ibid.* p. 143

19. *Deed Record*, Volume C. p. 127

ces to follow.

W. B. Dewees, who sold the four slaves, Henry, a black boy age 12; a yellow girl named Ellen, age 10; a black girl Margaret, age 8; and a black boy named George, 5 years; to John Toliver, stipulated--"all good property, sound in body and mind. . . . a slave for life, and together with their increase of females."²⁰ One Catherine Wicker, who sold Rosetta, black complexioned, "sound of body and mind. . . .a slave for life"²¹ also guarantees the slave to be good property. These terms warrant the slave against any claim or title, in the future, of relatives or heirs of the seller. The above cases are but a few of the numerous cases found in the archives of the Colorado County Courthouse involving slaves as a means of securing capital for immediate use or emergency.

Another type of instrument that was used widely to obtain ready cash was the mortgage. Many mortgages were found where Negroes were involved. In an agrarian economy it was necessary for the planter to provide himself with a source of either cash money or its equivalent. Here, again, the writer finds the Negro was the most important source of liquid capital. Many mortgages were used as an agreement with two individuals. Some were promissory notes for a period of 6 to 12 months, with 10% interest

20. Ibid., p. 97

21. Ibid., p. 321

being the normal rate. In the case of John Berry who received \$400 from William Alley, for a Negro woman, 24 years, complexion black, and promissory note for 6 months, 10% interest.²² George Metz mortgaged to Caleb Joiner a Negro woman named Mary, yellow complexion, for \$1010.²³ Another for a \$2000 note at 10% interest, payable in 2 years, consumated between George Smith the mortgagor and P. D. Turner, mortgagee, for a Negro woman, age 25, mulatto.²⁴ In other instances merchants furnished capital or supplies needed to carry the planter from one year to another, until his crop had been harvested and sold. The proceeds therefrom were used to pay the debts. Sometimes the proceeds were insufficient. Rarely was there enough over to suffice until the next crop was harvested.

In the following statement the writer shall give a case where R. H. Kuykendall of Colorado County, for advance in cash or merchandise, mortgaged to Samuel Ward of Matagorda County, a Negro named Anthony, sound and healthy. He was to be redeemed January 2, 1855. If not, the Negro was to be sold at auction to the highest bidder, and after deducting all necessary expense, ward was to pay over the balance to Kuykendall.²⁵ This instrument was signed,

22. Bond and Mortgage, Colorado County, Vol. C., No. 1304, p. 199

23. Bond and Mortgage, Volume D., p. 239

24. Ibid. p. 31

25. Ibid. p. 26

A. D. 1854, and witnessed by G. W. Ward and W. J. Maynard. Although this instrument did not stipulate a specified sum, the writer assumes that the amount was covered because of the value of slaves in mortgages was so high. The record showed some males were mortgaged for as much as \$900.00,²⁶ as that of Caleb Joiner and Isam Tooke for a Negro named David, (Dave) and another contract between George Coleman and Isam Tooke, \$900.00²⁷ for a Negro named Bob.

The writer noted the preference of females to that of males in the mortgages, and the difference in prices. The price of males ranged from \$450.00²⁸ to \$900.00,²⁹ where-as that of females ranged higher. George Metz mortgaged to Caleb Joiner, for \$1010.00, one Negro woman named Mary, yellow complexion,³⁰ and George Smith mortgaged to P. D. Turner, for \$2000.00, a mulatto woman. The smallest amount was \$400 for a Negro woman named Eliza, black, age 24, paid to John F. Berry by William Alley, at 10% interest for six months.³¹

The writer has stated in previous paragraphs that when ready collateral was needed or money for emergency, the Negro slave was the most used means for obtaining

26. Ibid. p. 155

27. Ibid. p. 154

28. Bond and Mortgage, Volume C. p. 154

29. Ibid. p. 155

30. Bond and Mortgage, Volume C. p. 151

31. Bond and Mortgage, No. 1304, Volume C. p. 199

capital; but the writer has found some cases where other collateral was used. The following citation will substantiate the above statement. The record shows an instrument drawn up between William Wright who paid \$6439 to Nash and Melissa Bonds for 387 acres of land and a Negro boy named James, 22 years, black; a Negro woman, Martha, 30, and her children named Moses, Bill, and Nora; and a Negro woman, named Julia, 20 years of age, and her child. This was made January, 1st day, 1858, to be paid 12 months from date.³² The case that follows was taken from the files where on the 24th day of September, 1844, Abel Beason, 2nd party to E. W. Moses, 1st party for the consideration of \$1650 paid in hand bargained, assigned, and delivered to the said Abel Beason the following named and described property; one Negro man named Bill, 45 years of age; one Negro man named Moses, 24 years of age; one Negro man named Sceaszan, 17 years of age; fifty head of cattle; one road wagon; one horse; one mule; and 320 acres; to be redeemed 12 months from date.³³ Witnesses, D. C. Pace and John Toliver, Attest: E. W. Perry, County Clerk.

In the systematic development of this investigation, the writer has given the value of the slave as an economic factor to the Colorado County planter. In some cases where the age was not stated, the writer could not compare the

32. Mortgages and Bonds, No. 1243, p. 168

33. Ibid. p. 79

value of males or females as to age; but it is reasonable to believe that the physical condition of the slave had a bearing on his or her commercial value. The writer has endeavored to show that when the planter needed ready cash, he used the slave as liquid capital. It has already been stated that the purchaser had to be assured that the slave was healthy, both physically and mentally, had to be free of any claim by anyone else and the assurance that the said property was slave for life. In case of mortgage, the holder of the mortgage could use the auction sale to collect his debt.

The first table that follows shows the taxable property of Charles W. and Louisa Tait, January 1, 1863, and the second, the assessed value of slaves for the year of 1849, as disclosed by the Comptroller of Public Accounts, Austin, Texas. Few students have realized the value of tax records in evaluating the economic importance of the slave in the plantation economy of the South.

Taxable Property
Owned by Charles W. and Louisa Tait
January 1, 1863

2240 acres of land-	- - - - -	\$44800.00
1100 acres of land-	- - - - -	2200.00
640 acres of land, Hugh McKinzie League-		790.00
519 acres of land, John Byrne League -		519.00
313½ acres of land, Benjamin McMillan League		1565.00
426 acres of land, Jas. Cummins League -		6490.00
87 acres of land, Wesley Hunt League -		174.00
39 acres of land, Elizabeth Tumlinson -		975.00
68 Negroes-	- - - - -	40800.00
52 Head of hogs -	- - - - -	2080.00
18 Mules-	- - - - -	720.00

157 oxen - - - - -	\$ 720.00
100 head of cattle - - - - -	600.00
17 goats - - - - -	50.00
4 wagons, 1 truck, 2 carts, 1 barauch	250.00
100 head of hogs - - - - -	---

This account was taken from the family records of the Tait descendants. The records are kept in a movable type chest, walnut wood, made in 1820. This chest is now in the possession of Mr. Elbert Tait, Columbus, Texas.

Tax Assessment for Colorado County, 1849

In Whose Name Assessed	No. Negroes	Value
George Perry	1	\$ 40.00
John Shannon	1	500.00
P. G. Turner	1	400.00
Thomas Webb	4	2000.00
John D. Brown	6	1800.00
A. B. Bonds	6	2300.00
William Bridges	7	2100.00
O. B. Crenshaw	8	3300.00
Hugh Wilson	12	4000.00
William Alley	13	3900.00
John Cryer	13	4200.00
Thomas Ware	16	6500.00
R. H. Foote	25	6300.00
Henry Terrell	28	8400.00
C. C. Herbert	30	9000.00
Angus McNeil	37	10000.00
Jas. S. Montgomery	69	32400.00

Quote--

"Tax rolls in the files for years prior to the Civil War show the number of Negroes assessed to the taxpayer and the value thereof, but they contain no information as to age and sex. No doubt, those factors were taken into consideration at the time of assessment and valuation, but the records do not show this to be the case." Unquote.*

* Honorable Robert S. Calvert, Comptroller of Public Accounts, Austin, Texas, to L. E. Atkinson, on May 22, 1954.

CHAPTER V

THE SLAVES AND SOCIAL LIFE

Probates and Wills

In Probate transactions where slaves were involved, there seemed to be a lack of confidence on the part of every one, even where the transactions involved members of the same family. The records that the writer has examined show several interesting characteristics and types of instruments of which shall be cited in the pages to follow.

A deed of separate property was given to Rebecca McNeil by her husband, Angus McNeil, November 29, 1853, is listed as follows:

one-half league of land; one Negro slave named Charlotte, yellow complexion, age 26 years, and her two children, Dick, yellow complexion, age 10, and Lola, a girl, yellow complexion; Nora, black complexion, age about 16 years; Barbara, a woman, yellow, aged about 21 years, and her child, Minna, about 1 year; and Henry, a man, about 22 years, yellow complexion; about 100 head of stock; 20 mules and horses; and crop of cotton this year, 1853.¹

The gift deed seemed to be most commonly used. The slave, seeming to be the only article of property of any major value, served the purpose of being the most commonly exchanged gift. When the slave was given for a gift, a gift deed was given with him. There was always an amount

1. Bond and Mortgage Record, Colorado County Court-house, Columbus, Texas, Volume D. p. 247

of money that accompanied the gift, which ranged from one dollar to one hundred dollars or more. There is no law attached to this custom, that the writer has found, but a legal acquaintance suggested that "the inept drawing up of the instrument," probably written by a layman. In case that the gift is opposed, the statement "paid" perhaps would insure a valid conveyance; if considered, invalid as a gift, it would still be good as a sale.² This type of deed differed very little from other deeds found in the Archives. It usually began with "for the natural love and affection which I have. . . ." It usually gave a description of the property, especially as to sex. In order that the reader may get a better understanding of a gift deed, the following examples give the general pattern followed:

November 20, 1843, Angus McNeil for and in consideration of the sum of one dollar paid in hand and for the further consideration of the natural love and affection he bears to Mary Walker McNeil, Henry C. McNeil, and Angus McNeil, Jr., children of the said, Agnes McNeil, has granted, given, bargained, released, and delivered, and by these presents grant, give, bargain, release, alien and deliver and to assign forever, all and singular the following and enumerated and described property together, all the rights, members, hereditaments, appertunences, rents, issues, profits, and actions belonging to and arising therefrom. To wit, Viz.: Big Henry, Abraham, Ned, Punch, Old Davy and Little Davy, and also Hannah, Amy Brown, Rose and Jane, Sarah, Susan, Harriet and Albert. If it ever becomes necessary for any of the above parties of the second part to need

2. Werner J. Stavinocho, Attorney-at-Law, Weimar, Colorado County, Texas, (June 19, 1954)

profits to contribute to their happiness--to promote their success in life, the property above mentioned can be sold and the price thereof be applied to their use as aforesaid.

I, the Angus McNeil, do assign my seal and signature. Witnesses, Joseph I. Lengley, J. W. Lusks, John Low.³

In another instrument of gift deed, J. E. Pearsall for the natural love and affection and the sum of one dollar paid in hand deeded to his wife, Elizabeth James Pearsall, 1400 acres of land in Liberty County and thirty-six slaves, 17 females and 19 males, also 15 mules and 14 horses, to have and to hold forever. Signed and delivered in the presence of J. P. Adams and J. H. Wallace. Signed, one thousand-eight hundred-sixty three, J. E. Pearsall.⁴

Edward A. Williams from Fayette County for consideration of the sum of one dollar paid in hand, by his sister Louise U. Tait, formerly Louise U. Williams, gave, granted, released, and delivered to her and her heirs and assigns forever, warranted said slaves to be sound in mind and body and to be slaves for life, one Amanda, about 13 years, and Sarah about 6 years. This was signed and sealed the 23rd day of February, 1850, William Webb, Fayette County, Notary Public.⁵

This deed that the writer will brief has a new aspect,

3. Bond and Mortgage, Colorado County Courthouse, Volume D. p. 252

4. Deed Record, No. 2832, p. 426

5. Deed Record, Colorado County Courthouse, Volume D, p. 24

which the reader will discover as he reads. John Matthews of Colorado County, out of love he has for his brother, Nathaniel Matthews of Luxemburg County, Virginia, for the consideration of ten dollars paid in hand, and for further consideration of the covenants and agreements, stated further in the instrument, give, grant, bargain, sell, release and convey: One-half league on the East side of the Colorado River, and 145 slaves, including families; husbands, wives, and children; fathers and children; mothers and children; husbands and wives, and their future increase; and a few males without families. All the farming implements, household and kitchen furniture, work mules and horses, 2 yoke of oxen, 300 head of cattle and 100 head of hogs. The said Nathaniel had agreed and covenanted and promised, that annually, on the first day of every May, he'd pay to John one-half of the net annual proceeds of the said plantation. Nathaniel was pledged and mortgaged to render to John an account of the expenditures, income, and profit thereof. It was also understood that John would have the services of a slave named Jessie as long as the said John lived.⁶ This instrument was drawn up and certified the 14th day of January, 1861, by John Mackey, Clerk. This gift deed has elements of a mortgage and bill of sale and is quite unlike any other the writer found in the record.

6. Deed Record, No. 2317, p. 328

In the above instruments the writer has tried to give a few of the actual cases of gifts as taken from the records, to acquaint the reader with the type of property which was seemingly most appropriate for a gift during this time for those who could afford it.

The writer examined a number of records from the Probate files to determine the appraisement of property. In order to make division among the heirs of an estate, such an appraisal was necessary. The following ones are examples of some that the writer examined.

The estate of Sarah Gilbert was divided by the Probate Court as follows:

The Commissioners appraisal was \$3120. Viz:

1st lot--one Negro man, named Tom - - -	\$ 900.00
2nd lot--one Negro woman, named Hannah-	600.00
3rd lot--one Negro boy, named Dozier- -	300.00
4th lot--two oldest twins, Batiste and Martha - - - - -	300.00
5th lot--two younger twins, Wesley and Bishop- - - - -	200.00
Money received from estate of Thomas Robb - - - - -	220.00
Stock appraised at - - - - -	600.00
	<u>\$3120.00</u>

This property was divided to the satisfaction of the four heirs of Mrs. Sarah Gilbert.⁷ Each signed the agreement to abide by the decision of the Commissioners, 25th day of January, 1841.⁸

The reader, no doubt has noted the appraisement of

7. Probate Will Record, No. 2708, Colorado County Courthouse, Volume D, p. 425

8. Ibid. p. 426

the human property, to that of the stock.

The instrument to follow, also shows the difference in appraisement of slaves to that of other property. This case was taken from the No. 1 Certified Copy of Appraisal and Inventory belonging to the Estate of Benjamin Beason. Robert Brotherton, William Daniels, and William House made this appraisal, March 8, 1837. (In the Appendix, the writer will give further accounts of Beason.)

Inventory and Appraisal of
Benjamin Beason Estate, March 1, 1837⁹

One League of land with improvements and gin- - - - -	\$ 7000.00
Nine-1 quarter leagues- - - - -	1336.00
One Negro man named James - - - - -	500.00
One Negro man named Moses - - - - -	700.00
One Negro man named Perry, (sore leg)-	500.00
One Negro woman, Carry, and two children	1100.00
One Negro woman, Mariah and three children - - - - -	1100.00
One small boy named Clive - - - - -	250.00
One Negro woman named Ailsey- - - - -	800.00
Four yoke of oxen and one odd one - -	75.00
One sorrel filly- - - - -	40.00
One mule horse- - - - -	75.00
One mare- - - - -	60.00
Fifty head of cattle, \$6 per head - -	300.00
Twenty hogs, \$3 per head- - - - -	60.00
One wagon - - - - -	80.00
One wagon - - - - -	30.00
Five plows, \$4 each - - - - -	20.00
Three log chains- - - - -	12.00
Three axes- - - - -	4.50
One rifle gun - - - - -	2.50
One rifle gun - - - - -	15.00
One rifle gun - - - - -	15.00
Total- - - - -	\$15292.00

The writer was interested to note what part of the sum total of appraisal the Negro slaves played. In the check

9. Benjamin Beason Estate, No. 1 Certified Copy of Appraisal and Inventory, Colorado County Courthouse

up there were 3 males, 3 females, and 6 children appraised at \$4950, which was approximately 1/3 of the entire estate. This further substantiates the fact that the Negro was an important factor in the planter's life.

This writer has noted that in order to protect the buyer and the seller, in some instances a deed of trust was given by the buyer to the seller. When the buyer had completed the final payment, the seller then gave the buyer a Deed of Relinquishment, denoting that he, the seller, had relinquished all claims to the property. In all slave transactions, a written contract was made, which proved the slave to be of great economic value to the planter. There were the same legal terms of condition stated in each document as the reader has found in previous instruments, which bound the seller to guarantee his slave, so as to protect the buyer from swindle or fraud, namely: "sound in mind and body," "a slave for life," "her and her increase to you and your heirs for life." An example of a Deed of Relinquishment as found in the records is described in the following paragraph:

Received of W. T. Townsend one thousand dollars in full for my half of a Negro woman, Amy, and children, Jane, Fannie, George, and Emaline, all in good health. The title whereof I do hereby relinquish unto him, the said W. T. Townsend, his heirs and assigns and I do hereby warrant and defend from my heirs and assigns forever, this nineteenth November, one thousand eight hundred and thirty-nine. Signed and sealed, Spence Townsend. Delivered

in presence of James M. Calloway.¹⁰

The writer has listed the above instruments, data and facts taken at random from the files and records of Colorado County Courthouse, to portray to the reader and for the benefit of the writer the fact that the records show that the Negro slave was involved in wills--that his state here as elsewhere, was that of property. The wills possessed a fixed statement of how these slaves were to serve for life and could be turned into liquid capital if needed for emergency or comfort.

10. Bond and Mortgage, Colorado County Courthouse
Volume B, p. 95

CHAPTER VI

SUMMARY AND CONCLUSION

Slave labor was well fitted for the type of work done in Colorado County during the period of this study. With slavery grown profitable and farming the very foundation of its economic life, the planters of Colorado County considered the peculiar institution of slavery as a necessity.

In the investigation of the Negro slave in the economy of Colorado County, the problem arose out of the theories given by historians as to the role that was played by the slaves.

The theories that the writer investigated were the labor, fixed capital, investment, consumptive-productive, prestige. Having read each of these theories, and having respect for the historians who presented their opinions, the writer cannot entirely disagree with them. Yet, the writer has found in the study many contradictory and controversial opinions that led to further scientific historical research.

On the basis of the evidence found in the investigation of Negro slavery in the economy of Colorado County, the writer found that the Labor-Fixed-Capital theory as expressed by the writers in the field, is logical. But since the slave labor was mobile and much of the business

of financing the plantation would have been impossible without the possible use of the slave as collateral, the above theories are unsound. The writer attacks the soundness of the investment theories in that if the planter invested large sums of money in slaves, why were they hesitant in placing them on hazardous jobs? The natural increase would, in a period of time, pay for the money invested in slaves, therefore, the investment theory is doubtful in the mind of the writer.

In the consumptive-productive theory, there is no sound proof, because there was no practical way of proving that the slave consumed less than he produced.

The last theory, that of prestige, does not seem entirely sound in the light of the investigation, in that no planter would possibly buy a slave or slaves for such an uneconomic purpose, as simply a means of being in the social circle of slave owners.

Therefore, this writer, in finding the above theories not entirely to her satisfaction, has raised and attempted to answer the following questions:

1. What was the actual value of slaves in the social and economic status of the southern planter?
2. What was the actual market value of the slave in reference to age and sex?
3. What was the role of the slave in the probate transactions in the plantation system of the South?

5. What was the means of obtaining liquid capital which involved small or large sums of money when needed?

Having made a scientific investigation and study on the questions stated, this writer has come to the conclusion that there might be a more significant economic role of the Negro slave. When ready capital was needed, the slave was the means by which it was obtained; hence, this writer advances the theory that the economic role of the Negro slave in the economy of Colorado County was that of liquid capital.

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APPENDIX A

Probate, No. 2317
Inventory
Vol. C, P. 493

Republic of Texas
Colorado County

Inventory and apportionment of the property belonging to the Estate of Elizabeth Betts, deceased, made this 20th day of April, 1837, by Williamson Daniels and William Alley.

One Negro man named George - - - - -	\$ 400.00
One Negro woman named Sharlotte - - - - -	200.00
One woman named Nancy and her 4 children	1300.00
One boy named Sambo, appraised at - - -	700.00
One boy named Peter, appraised at - - -	700.00
One girl named Sally, appraised at - - -	450.00
One girl named Nancy, appraised at - - -	300.00
One boy named David, appraised at - - -	300.00
	<u>\$4750.00</u>
One wagon appraised at - - - - -	75.00
One horse appraised at - - - - -	25.00
One bed appraised at - - - - -	25.00
One small bed appraised at - - - - -	15.00
Two pots appraised at - - - - -	5.00
One skillet appraised at - - - - -	2.00
One old clock appraised at - - - - -	5.00
	<u>\$4902.00</u>

By Williamson Daniels

William Alley

Republic of Texas
Colorado County

APPENDIX B

Robison's Castle

During 1839 Colonel Robert Robison moved to Columbus from Dunfries in Scotland. He was evidently well provided financially and his remittance came regularly except for the period during the war between the states. He built a concrete castle of homemade lime and gravel on the North bank of the Colorado River, where Stephen Austin first surveyed the site for his Texas headquarters. The castle was at the South end of the North Bridge. It was surrounded by a moat and drawbridge. It was probably the first building in Texas to have a roof garden and running water. A tank or cistern was on the roof into which water was pumped from the Colorado River and from there piped through wooden pipes. Balls, card parties, and champagne suppers were held there, attended by the settlers from Bastrop on the Northwest to Matagorda on the Southeast.

The first Episcopal services were held in the Court-house, but some were also held in the castle. Dr. Lawrence Washington, grand nephew of President George Washington, conducted services at the castle.

A steam boat ran up the river from the Robison castle to Austin, Texas. The castle was undermined by a severe overflow of the river in 1869.

O. A. Zumwalt, Scrapbook, Columbus, Texas, Shaw's MSS

APPENDIX C
DR. LAWRENCE AUGUSTINE WASHINGTON

Dr. Lawrence Augustine Washington was the son of Lawrence Augustine Washington and the grand nephew of General Washington, the First President. Dr. Washington's father was the ward and nephew of President Washington, and upon the death of the President, Lawrence, Sr. inherited land in Virginia and much of his personal property, including his inaugural suit of brown rep, a mahogany clock eight feet tall, a sword, silver spoons, a kneebuckle set with brilliants, a barometer, and surveying instruments. Mr. Washington died in 1824, when Lawrence was only 6 years old.

Dr. Washington grew up in a comfortable home with his mother and sister and cultured friends. He was educated by private tutors and spent his leisure in hunting, fishing, riding, and swimming. He attended the University of Virginia; and, then deciding on medicine as a profession, studied in the Jefferson Medical College in Philadelphia.

In 1839 Dr. Washington married, and in 1850 moved to Texas and located in the southwestern part of Colorado County near the present town of Oakland. In 1851 the doctor bought a plantation on the Colorado about 14 miles south of Columbus, and there made his home for nearly 20 years.

When he came to Texas, he brought his wife and five

children, over one hundred slaves, his stock of pure blooded horses, cattle and dogs, household furniture, which included a large library, a grand piano, and other relics. The old sea captain named Buckler was pensioned by Dr. Washington until his (Buckler's) death.

Dr. Washington did not operate his plantation but rented his land and hired out his field hands to others. The revenues received from them brought what was considered in those days a handsome income.

Dr. Washington moved to California at the close of the Civil War and died out there on August 10, 1883.

Mrs. Walter G. Dick, "A Brief Account of the Life of Dr. Lawrence Augustine Washington," Eagle Lake Headlight, March 7, 1941

Place	Pop. 1880	Pop. 1900
Columbus	101	73
Eagle Lake	104	1
Smith's Point	101	1
Frederick	22	1
Harvey's Creek	10	1
Harvey	10	1
Byers	10	1
London	10	1
Albany	10	1

It is interesting to note that the names of Smith's Point, Harvey's Creek, Harvey, London, Albany, and Byers are now all dead; Harvey's Creek is now called Harvey's Creek; Harvey is now called Harvey; London is now called London; Albany is now called Albany; and Byers is now called Byers.

U. S. United States of the Census Bureau, Census of the State of Alaska, 1900, p. 118

APPENDIX D

HOW COLORADO COUNTY VOTED ON SECESSION

Saturday, February 23, 1861, was an exciting day in the history of Colorado County. It was this day that Colorado County was called to register its votes in the state election on the question of seceding from the United States and entering the Confederate States of America. This question was of great interest to the people in Colorado County. All business was suspended for several days before and after election.

The vote at the various precincts throughout Colorado County was as follows:

Commissioners Court Records, Colorado County, Texas. Not indexed until 1880. These records are known as "Police Records"

Precincts	For Secession	Against Secession
Columbus	201	93
Eagle Lake	106	1
Prairie Point	101	2
Frelsburg	22	152
Harvey's Creek	7	37
Dunlavy	10	41
Cryers	10	0
Sandies	10	1
Alleyton	113	2

It is interesting to note that the towns of Prairie Point is now Oakland; Harvey's Creek is now Weimar and Borden; Dunlavy is now Mentz and Bernardo; Sandies is Rock Island, Altair, Nada, and Garwood; Cryers is now Shaw's Bend, Santa Anna, and Brusby.¹

1. United Daughters of the Confederacy, Texas Division, Directory, 1922, p. 118

When the vote on secession was declared to be in favor of secession, the women took charge of all affairs in both home and farm, while their husbands went to serve in the army. With the assistance of the slaves, crops were raised and gathered, and both slaves and whites were fed and clothed.²

2. Ibid.

Legend also says that when La Salle crossed the Colorado River, at or near the site of Colorado, he found there an Indian village called Alhambra.

Austin crossed the Colorado River and surveyed a tract of 170 acres on the river, but later abandoned it for a proposed site on the Texas.

Depicting the highlights of Texas' pioneer life from the landing of La Salle in 1685 to the return of the world peace in 1918, the author presented such

APPENDIX E

THE COLORADO COUNTY CITIZEN

August 22, 1940, Vol. LXXXIV, No.18

The Columbus Centennial

Columbus, county seat of Colorado County, arrived at its 74th anniversary of its incorporation, having received its charter from the Texas Legislature August 22, 1886. But the settlement on the bank of the Colorado River, dates back 118 years ago when W. B. Dewees, one of Stephen F. Austin's earliest colonists founded the settlement in February, 1822. One of Dewees' first acts was to survey and dedicate a tract of land to the chief justice of Colorado County for use as a school site. At this time, Austin was considering a site for the future capital of his empire.

Legend also says that when La Salle crossed the Colorado River, at or near the site of Columbus, he found there an Indian Village called Hibernos.

Austin crossed the Colorado River and surveyed a tract of 170 acres on the river, but later abandoned it for a proposed site on the Brazos.

Depicting the highlights of Texas under six flags from the landing of LaSalle in 1685 to the return of the world peace in 1918, the monster pageant portrayed such

characters as LaSalle, Antonio Lopez, General Sam Houston, Stephen F. Austin, Santa Anna. Other characters portrayed were Dewees, Cummings, Beason, Tumlinson, and others. This celebration was the most spectacular and historical of any that had ever been held in the county.

APPENDIX F

DEED RECORD, VOLUME B,163

The following ceremony is an example of how grants of land were given by the empresario to the consignee. The land has been surveyed, all necessary papers and contracts completed. The following ceremony takes place with the proper authorities:

We put the aforesaid Benjamin Beason in possession of said land, taking him by the hand and passing him over it, telling him in a loud and audible voice that we, through the Mexican Government, put him in possession of said land with all its uses, rights, customs, and services, for him, his heirs, and successors--and the above mentioned Benjamin Beason, in faith finding himself in full and personal possession of said land, cried in a loud voice, threw stones, pulled grass, planted stakes and made all the necessary ceremonies. Notified of the obligation that he is under to cultivate it in 2 years time, as prescribed by the Law and, that this may be entitled to full faith and credit.

Signed:

Baron de Bastrop

Stephen F. Austin

Witness

San Felipe de Austin

John Austin

7th August 1824

Sam Williams

APPENDIX G

COLORADO COUNTY AND THE TEXAS REVOLUTION

During the Texas Revolution, Columbus was an encampment ground at one time, for Houston's army, when he was retreating from Santa Anna's army. The following is a letter from W. B. Dewees written to a friend after the return from the "Runaway Scrape":

Columbus, May 15, 1836

We arrived on the east bank of the Colorado on the 10th of the present month. Here all was gloom and desolation! Our once happy homes were now in ashes! The cattle had all been driven off and there was nought to welcome us back again to the homes which we left but a few weeks before. . . . We camped on the east bank of the river, feeling unwilling to cross over, there being two or three families of us, and Americans west of the river. We rode down to Atoskoscita crossing of the river to see if any vestiges of the Mexican army was to be seen. We heard a noise as of horsemen; we secreted ourselves in the timber, and soon learned it to be the Mexican army under Filisola, crossing the river on their way out of the country. We then rode back and commenced constructing rafts to enable us to cross the river with our families. We have here built us camps until we can build houses.

The families began to return to their homes. By 1837 prosperity had begun again and the summary of the property of Colorado County as shown in the Controller's office at Austin is as follows: Land under title, 178,908 acres, valued at \$240,203; 270 Negro slaves valued at \$72,820; horses and mules, 189, valued at \$11,615; cattle, 1,800 head, valued at \$17,782.

The county rapidly made progress, for in 1842, five years later, we find that there were 631 slaves, six pleasure carriages, 3,889 head of cattle, \$813 out at interest, two race horses, 315 work horses, ten metal clocks, eleven wooden clocks, nine gold watches and 17 silver watches.

Norma Shaw M.S.S. Thesis

During the early part of the 19th century, the people of Columbia, South Carolina, and the first part of the 19th century were taking possession of the territory west of the Appalachian Mountains and the white people were being forced out of the land. He appealed to the city authorities for an ordinance giving authority to remove the people. This law was not passed; so he took the law into his own hands and proceeded to clear the land. He had some trouble at first, having to fight two powerful opponents; but after these episodes, another meeting was held for the purpose of the law.

The above statements are further verified by John H. Hays of New York, formerly of Columbia and nephew of Mr. Dr. Howell. He states that it was necessary to have great many people to be present when the people were cleared out of the land, and the people and the whites would be forced together, thereby bringing on considerable confusion and other difficulties. There was one meeting held

APPENDIX H

ORIGIN OF JIM CROW LAW

Columbus claims to be the birthplace of the "Jim Crow Law." In Texas this law requires the separation of whites and Negroes in public service institutions. The law as originally passed by the Texas Legislature in 1891 was primarily directed toward railway coaches and depots. During the "eighties," Mr. Ike Towell, City Marshall of Columbus, became so incensed over the fact that Negroes were taking possession of the waiting room in the Southern Pacific depot and the white ladies were being forced outside. He appealed to the city authorities for an ordinance giving authority to break up this practice. This request was refused; so he took the law into his own hands and proceeded to clear the depot. He had some trouble at first, having to whip two resentful Negroes; but after these episodes, another waiting room for Negroes was built.

The above statements are further verified by Judge Whit Boyd of Houston, formerly of Columbus and nephew of Mr. Ike Towell. He said: That it was customary for a great many people to be present when the passenger trains arrived at the depot, and the Negroes and the whites would be jammed together, thereby bringing on considerable confusion and often difficulties. There was one waiting room,

which whites and Negroes used at that time. Uncle Ike decided that he would have this discontinued. Without lawful authority, he drew what he called a deadline from the train, at which right angles to the train at the point where the train would stop, and no Negro was allowed to cross to the side where the white people were supposed to be; and the white people were prohibited from going to the side where the Negroes were. He zealously enforced this regulation all the time, and he also induced the railroad company to build an extra waiting room for the Negroes, so that the passengers would be separated.

This was in the early part of 1882. Out of this grew what is known as the Jim Crow Law, passed by the Legislature in Texas.

This version of the origin of the Jim Crow Law is believed by the residents of Colorado County. The fact, however, is that the first "Jim Crow Laws," are those of Florida and Mississippi in 1865, and in Texas in 1866.

Stephenson, G. T., Race Distinctions in American Laws, D. Appleton and Company, New York, 1910 p. 250

BIOGRAPHY

The writer was born in Engle, Texas, Fayette County, the daughter of the late Mrs. Susan Lemons.

Her elementary and high school work was done in the public schools of Weimar, Colorado County, Texas. The writer entered Prairie View Normal and Industrial College to continue her education. She received a teacher's certificate to teach school, but continued summer school and received a Bachelor of Science Degree in 1930.

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